IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 14800 of 2004(J)

PETITIONER:

S. ASHOK KUMAR, `RESHMAM', PRALAYAGIRI,
THOKKAD P.O., VARKALA, THIRUVANANTHAPURAM,
REPRESENTED BY POWER OF ATTORNEY HOLDER
C. BHARGHAVAN NAIR, SANTHI GRAMAM,
JANARDHANAPURAM, VARKALA.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:
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1. VARKALA MUNICIPALITY, REPRESENTED BY ITS SECRETARY, VARKALA, THIRUVANANTHAPURAM.

2. THE SECRETARY, VARKALA MUNICIPALITY VARKALA, THIRUVANANTHAPURAM.

3. SASIDHASRAN, MANGALATH PUTHENVEEDU, VATTAPLAMOODU, VARKALA.

4. LILLY, W/O. SASIDHARAN, MANGALATH PUTHENVEEDU, VATTAPLAMOODU, VARKALA.

5. M.A. STEPHEN, SECRETARY, VARKALA MUNICIPALITY, VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.S.R.AJITH
SRI.P.C.HARIDAS
SRI.G.S.REGHUNATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.14800/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMPLAINT DT. 6.9.02 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE JUDGMENT DT. 13.9.02 IN OP. NO.26117/02 OF THIS HONOURABLE COURT.

EXT.P3:- COPY OF THE SHOW CAUSE NOTICE CUM-PROVISIONAL ORDER NO.PW2/7909/02 DT.4.10.02 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE SHOW CAUSE NOTICE- CUM- PROVISIONAL ORDER NO.PW2/5862/02 DT. 9.10.02 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5:- COPY OF THE EXPLANATION DT. 14.11.02 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE JUDGMENT DT. 30.9.03 IN OP. NO.33532/02 OF THIS HONOURABLE COURT.

EXT.P7:- COPY OF THE JUDGMENT DT. 1.4.04 IN WP(C) NO.1370/04 OF THIS HONOURABLE COURT.

EXT.P8:- COPY OF THE ORDER DT. 7.4.04 IN WP(C) NO.1370/04 OF THIS HONOURABLE COURT.

EXT.P9:- COPY OF THE LETTER NO. PW2/7909/02 DT. 19.4.04 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P10:- COPY OF THE REPLY DT. 23.4.04 SUBMITTED BY THE PETITIONER.

EXT.P11:- COPY OF THE ORDER NO.PW2/5862/02 DT.11.5.04 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER (IMPUGNED ORDER).

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE APPROVED PLAN OF THE MUNICIPALITY.

EXT.R1(b):- COPY OF THE COMPLETION CERTIFICATE ISSUED TO RESPONDENTS 3 AND 4 BY THE THEN SECRETARY ON 18.6.02.

EXT.R1(c):- COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE MUNICIPALITY ON 27.11.02.

EXT.R1(d):- COPY OF THE NOTICE DT. 7.5.04 ISSUED TO RESPONDENTS 3 AND 4 BY THE MUNICIPALITY.

EXT.R1(e):- COPY OF THE MAHASSAR SIGNED BY THE ALLEGED AGENT OF THE PETITIONER.

EXT.R1(f):- COPY OF THE NOTICE DT. 9.10.02 ISSUED TO THE RESPONDENTS 3 AND 4.

EXT.R1(g):- COPY OF THE NOTICE DT. 9.10.02 ISSUED TO THE PETITIONER.

EXT.R1(h):- COPY OF THE ORIGINAL PETITION NO.33532/02 OF THIS HONOURABLE COURT.

EXT.R1(i):- COPY OF THE CONSENT DEED DT.15.11.02.

EXT.R3(a):- COPY OF THE SALE DEED DT.20.3.01 NO.1220/01 EXECUTED IN FAVOUR OF THE RESPONDENTS 3 &4 BY THE PETITIONER.

EXT.R3(b):- COPY OF THE BUILDING PLAN.

EXT.R3(c):- COPY OF THE OCCUPANCY CERTIFICATE DT.27.11.02 ISSUED BY 2ND RESPONDENT.

EXT.R3(d):- COPY OF THE NOTICE NO.PW2/5862/02 DT. 9.10.02 ISSUED BY 2ND RESPONDENT TO RESPONDENT 3 & 4.

EXT.R3(e):- COPY OF THE REPLY SUBMITTED BY RESPONDENTS 3 & 4 TO THE ND RESPONDENT VIDE LETTER DT. 6.11.02.

EXT.R3(f):- COPY OF THE FINAL ORDER DT.7.5.04 ISSUED BY SECRETARY , VARKALA MUNICIPALITY TO RESPONDENT 3 & 4.

EXT.R3(g):- COPY OF THE APPLICATION DT. 7.6.04 SUBMITTED BY RESPONDENTS 3 & 4 BEFORE THE 2ND RESPONDENT.

/TRUE COPY/

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KURIAN JOSEPH J.

W.P.(C) No.14800 of 2004

Dated 13th June, 2007.

J U D G M E N T

Petitioner approached this Court challenging Ext.P11 at a time when there was no Presiding Officer for the Tribunal for Local Self Government Institutions. Now that the Tribunal is fully functioning, it is not necessary for this Court to go into the disputed questions of fact involved in this case. Accordingly, the writ petition is disposed of as follows :-

In the event of the petitioner filing an appeal before the Tribunal against Ext.P11 within two months from today, the Tribunal shall consider the appeal and pass appropriate orders in accordance with law with notice to the petitioner, expeditiously. The interim order passed by this Court on 14.5.2004 will continue till such time.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 13th June, 2007.